

AMENDED IN SENATE APRIL 16, 2007

SENATE BILL

No. 824

Introduced by Senator Padilla

February 23, 2007

An act to ~~amend Section 310~~ *repeal Sections 102.1 and 102.2* of the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 824, as amended, Padilla. ~~Director of Consumer Affairs: duties.~~
Department of Consumer Affairs: assumption of jurisdiction.

Existing law creates the Department of Consumer Affairs within the State and Consumer Services Agency. Under existing law, the ~~Consumer Affairs Act, the Director of Consumer Affairs department is~~ was required to ~~discharge specified duties~~ *assume the jurisdiction of the Cemetery Board and the Funeral Directors and Embalmers Board if they were not consolidated or restructured on January 1, 1996, and to assume the jurisdiction of the Structural Pest Control Board if it failed to comply with specified contingencies by January 1, 1996.*

This bill would ~~make nonsubstantive changes to this provision setting forth the director's duties~~ *delete these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 102.1 of the Business and Professions*
- 2 *Code is repealed.*
- 3 ~~102.1. (a) If the Cemetery Board and the Funeral Directors~~
- 4 ~~and Embalmers Board are not consolidated or otherwise~~

1 restructured on January 1, 1996, the Department of Consumer
2 Affairs shall succeed to, and is vested with, all the duties, powers,
3 purpose, responsibilities, and jurisdiction of the boards, including
4 the employment of one executive director for the purposes of
5 performing the department's obligations herewithin.

6 (b) Notwithstanding Section 107, any law authorizing the
7 appointment of an executive officer by the Cemetery Board and
8 the Funeral Directors and Embalmers Board shall not be
9 implemented and shall have no force or effect while either board
10 is inoperative or repealed.

11 (c) If legislation consolidating or otherwise restructuring the
12 Cemetery Board and the Funeral Directors and Embalmers Board
13 is not enacted, the Controller is authorized to transfer the necessary
14 amount of funds from Item 1335-001-0258 of the 1995 Budget
15 Act to the department for expenditure by the department for
16 purposes of this section.

17 (d) This section shall be operative only during the period that
18 legislation is not enacted to consolidate or otherwise restructure
19 the Cemetery Board and the Funeral Directors and Embalmers
20 Board into another board or entity.

21 *SEC. 2. Section 102.2 of the Business and Professions Code*
22 *is repealed.*

23 102.2. (a) If the Structural Pest Control Board does not comply
24 with the contingencies specified in paragraphs (a) to (d), inclusive,
25 of Provision 1 of Item 1530-001-0775 of the Budget Act of 1995
26 by January 1, 1996, as determined by the Department of Consumer
27 Affairs, then the department may succeed to and is vested with all
28 the duties, powers, purpose, responsibilities, and jurisdiction of
29 the board, including the employment of one executive director for
30 the purposes of performing the department obligations herein.

31 (b) If the department elects to not exercise control over the board
32 pursuant to subdivision (a), the department shall monitor the board
33 on a monthly basis and the Controller shall, on a monthly basis,
34 transfer the necessary amount of funds, not to exceed one-sixth of
35 the amount of the appropriation for each fund identified in
36 subdivision (c), to the board for the purpose of this subdivision.
37 If at any time the department determines that the board is not
38 meeting satisfactory progress toward the obligations set forth in
39 subdivision (a), the department may invoke privileges of succession
40 as allowed by subdivision (a).

1 ~~Monitoring shall include a monthly report from the board, the~~
2 ~~status of meeting the obligations set forth in subdivisions (a)~~
3 ~~through (d), inclusive, of Provision 1 of Item 1530-001-0775 of~~
4 ~~the Budget Act of 1995 in addition to other statutory obligations~~
5 ~~as prescribed by law.~~

6 ~~(e) Notwithstanding Section 107, any provision of law~~
7 ~~authorizing the appointment of an executive officer by the~~
8 ~~Structural Pest Control Board shall not be implemented and shall~~
9 ~~have no force or effect while the board is inoperative or repealed.~~
10 ~~This subdivision shall be in effect only if the Department of~~
11 ~~Consumer Affairs invokes privileges of succession pursuant to~~
12 ~~subdivision (a).~~

13 ~~(d) In the event that the Structural Pest Control Board does not~~
14 ~~comply with Provision 1 of Item 1530-001-0775 of the Budget~~
15 ~~Act of 1995 by January 1, 1996, as determined by the department,~~
16 ~~the sum of one million three hundred fifty-five thousand dollars~~
17 ~~(\$1,355,000) is thereupon appropriated from the Structural Pest~~
18 ~~Control Fund to the department, and the sum of one hundred three~~
19 ~~thousand dollars (\$103,000) is thereupon appropriated from the~~
20 ~~Structural Pest Control Education and Enforcement Fund to the~~
21 ~~department, for purposes of this section.~~

22 ~~SECTION 1. Section 310 of the Business and Professions Code~~
23 ~~is amended to read:~~

24 ~~310. The director shall have the following powers, and it shall~~
25 ~~be his or her duty to take the following actions:~~

26 ~~(a) Recommend and propose the enactment of legislation that~~
27 ~~is necessary to protect and promote the interests of consumers.~~

28 ~~(b) Represent the consumer's interests before federal and state~~
29 ~~legislative hearings and executive commissions.~~

30 ~~(c) Assist, advise, and cooperate with federal, state, and local~~
31 ~~agencies and officials to protect and promote the interests of~~
32 ~~consumers.~~

33 ~~(d) Study, investigate, research, and analyze matters affecting~~
34 ~~the interests of consumers.~~

35 ~~(e) Hold public hearings, subpoena witnesses, take testimony,~~
36 ~~compel the production of books, papers, documents, and other~~
37 ~~evidence, and call upon other state agencies for information.~~

38 ~~(f) Propose and assist in the creation and development of~~
39 ~~consumer education programs.~~

- 1 ~~(g) Promote ethical standards of conduct for business and~~
2 ~~consumers and undertake activities to encourage public~~
3 ~~responsibility in the production, promotion, sale, and lease of~~
4 ~~consumer goods and services.~~
5 ~~(h) Advise the Governor and Legislature on all matters affecting~~
6 ~~the interests of consumers.~~
7 ~~(i) Exercise and perform other functions, powers, and duties~~
8 ~~that are deemed appropriate to protect and promote the interests~~
9 ~~of consumers as directed by the Governor or the Legislature.~~
10 ~~(j) Maintain contact and liaison with consumer groups in~~
11 ~~California and nationally.~~